

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS**

UNITED STATES OF AMERICA

V.

JOSE OMAR GARCIA

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§

CR. NO. 4:10-CR-00608

**MOTION TO REVIEW ORDER OF DETENTION AND TO REINSTATE ORIGINAL
PRETRIAL RELEASE AND CONDITIONS**

Defendant Jose Omar Garcia, by and through counsel, respectfully moves this Court pursuant to 18 U.S.C. §§3145(b) and 3145(c), to review the Order of Detention entered in this case on September 21, 2010, and as grounds, shows the Court:

I.

Defendant was indicted with conspiracy to possess with intent to distribute a controlled substance (over 500 grams of cocaine) on August 26, 2010.

II.

The Government and Defendant agreed to a bond on September 20, 2010. Magistrate Dorina Ramos, after taking judicial notice of the Pre-Trial Report set a bond of \$100,000.00, with a \$7,500.00, cash deposit with certain bond conditions. These bond conditions included: co-sureties pretrial supervisions; maintain employment; surrender passport; travel restrictions; no weapons; no contact with codefendants nor witnesses. Also, no excessive use of alcohol; no use of drugs; drug testing; and home detention with GPS monitoring.

III.

On September 21, 2010, the Magistrate Court modified the bond conditions described above and ordered that Defendant be released on posting a \$100,000.00, cash/corporate surety. Defendant and defense counsel were not present when the Magistrate amended Defendant's bond conditions.

IV.

Defendant respectfully requests that this Honorable Court reinstate the original pretrial release and bond conditions ordered by the Magistrate on September 20, 2010, and dispense with the condition requiring a \$100,000.00, cash/corporate surety ordered September 21, 2010. Alternatively, Defendant requests this Court to conduct a detention hearing or authorize Magistrate Dorina Ramos or Steven Smith to conduct a detention hearing and allow Defendant to allocate necessity of a corporate surety/cash deposit.

V.

The United States of America has indicated that it does not oppose bond conditions as set by Magistrate Ramos on September 20, 2010.

WHEREFORE, for these reasons and any such reasons that shall appear to the Court, Defendant, Jose Omar Garcia, respectfully requests that his motion be granted and that this Honorable Court reinstate the original pretrial release and bond conditions ordered by the Magistrate on September 20, 2010. Specifically, a bond of \$100,000.00, with a \$7,500.00, cash deposit and certain bond conditions.

Respectfully submitted,

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By :/s/ RALPH R. MARTINEZ
RALPH R. MARTINEZ
STATE BAR NO.: 13143600
FEDERAL BAR NO.: 1395

CERTIFICATE OF SERVICE

I, hereby certify that a true and accurate copy of the foregoing Motion to Review Order of Detention was served upon Shelley J. Hicks, and to all counsel of record via the CM/ECF system, on this 12th day of October, 2010.

By :/s/ RALPH R. MARTINEZ
RALPH R. MARTINEZ